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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,899	07/25/2001	Hideyuki Masuyama	980756D/LH	8238

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EXAMINER

ROWE, JESSE C

ART UNIT PAPER NUMBER

2872

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/912,899

Applicant(s)

MASUYAMA, HIDEYUKI

Examiner

Jesse C Rowe

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/25/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/203,638.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

In accordance with applicants request per communication filed on July 25, 2001, claims 1-11 are canceled without prejudice.

#### ***Information Disclosure Statement***

Information disclosure statement filed July 25, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The references not provided have been lined through.

#### ***Claim Objections***

Claims 14-15 objected to because of the following informalities:

Claim 14 and 15 objected to, regarding the term "obtained by the means", it is unclear which means the applicant is referring to. For examination purposes, "the means" has been interpreted as "the recognizing means".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 12 and 14 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kawasaki (USPN 4,661,692).

Kawasaki discloses a microscope electronic camera (61-63) comprising: recognizing means (61-65 and 67-85) for, when setting of the observation condition in the microscope is changed (Figure 3), recognizing the information the setting of which is changed (Figure 3, CPU 51 is linked to all the recognizing means), and signal processing means (51) for processing an image signal output from the imaging element (61) in accordance with information sent from the recognizing means (the CPU 51 processes the images in accordance to the imaging element 61 ). Kawasaki also discloses wherein the recognizing means comprise means for obtaining information of at least one of change of the observation magnification (70-71) and change of the specimen (7 and 27), the signal processing means comprise means for changing filter coefficient (80-81) effective for accentuating a contour of an image of the image signal (column 13, lines 31-38, any light that shows contour/contrast to an image must inherently be accentuating the contour) in accordance with information obtained by the means for obtaining information (column 10, lines 31-36 and column 15, lines 35-60).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki in view of Murakami et al (USPN 4,736,241).

Kawasaki discloses the instant invention but lacks wherein the recognizing means comprise color temperature detection means for detecting color temperature of illumination irradiating the specimen, and the signal processing means comprise means for changing gain of the image signal in accordance with the color temperature detection information detected by the color temperature detection means. Murakami et al discloses wherein the recognizing means comprise color temperature detection means for detecting color temperature of illumination irradiating the specimen (column 5, lines 19-27), and the signal processing means comprise means for changing gain of the image signal in accordance with the color temperature detection information detected by the color temperature detection means (column 5, lines 9-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the signal processing means of Kawasaki to changing gain of the image signal in accordance with the color temperature detection information as taught by Murakami et al to obtain images that closely match the color temperature of the original image.

Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki in view of Tanaka et al (JP 08254657 A).

Kawasaki discloses the instant invention but lacks wherein the signal processing means comprise means for changing a tone level of the image signal in accordance with the observation method change information obtained by the recognizing means. Tanaka et al discloses wherein the signal processing means comprise means for changing a tone level of the image signal in accordance with the observation method change information obtained by the recognizing means (see CONSTITUTION section ; "with a conventional photographic device in

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which various kinds of tone correction filters are previously prepared to be selectively used, so that highly accurate correction can be performed"). The filters are selectively used based on the image and the image is inherently dependent upon the observation method change information as seen by the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the signal processing means of Kawasaki to change tone level in accordance to the observation method change information as taught by Tanaka et al to obtain images that closely match the tone of the original image.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse C Rowe whose telephone number is (703) 305-7018. The examiner can normally be reached on Regular M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on (703) 308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7018 for regular communications and (703)305-7018 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-7018.

Jesse Rowe



November 1, 2002



**Cassandra Spyrou**  
**Supervisory Patent Examiner**  
**Technology Center 2800**